IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 3102/2007

PRAKASH CHAND Vs. STATE OF RAJASTHAN & ANR.

DATE: 09.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. S.D. Khaspuria for the petitioner.

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The petitioner has purchased 1/8th portion of the Khatedari land out of 10 Kita and 2.80 Rakba situated at Village Kho-Nagoriyan, Tehsil Sanganer, District Jaipur from Bhanwar, Nathu S/o Chhotu Gurjar through registered sale deed dated 12.05.2003 and the mutation was opened in favour of the petitioner on 31.05.2003.

The dispute arose when the respondent No.2 broken the wall over the land of the petitioner and it is also apprehended by the petitioner that the respondents wants to construct 100 feet wide road passing through the land belonging to the petitioner, therefore, this writ petition is preferred by the petitioner.

The petitioner has filed this writ petition without issuing notice for demand of justice and filed only on the ground of notification published in the news paper on 24.03.2006 by which the J.D.A. has converted the land use situated at Village Kho-Nagoriyan from agriculture to ecology zone as also residential and with the intent to acquire the land, this notification has been issued.

Since the J.D.A. has initiated proceedings and the petitioner apprehends that they will construct road and dispossess the petitioner without following due process of law, filed this writ petition without serving notice for demand of justice.

In the considered view of this Court, no writ of mandamus can be issued as this writ petition is premature and the petitioner has every right to challenge the acquisition proceedings and forcible dispossession of the petitioner from the land in question, but in any case at this stage, no interference is required by this Court.

Consequently, the writ petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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